

Express Mail No.: EV 603557386 US

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE  
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Application Number: 10/524,793  
Filed: February 15, 2005  
Applicants: Kenneth M. Evans  
Title: High Resolution Flow Cytometer  
TC/A.U:  
Examiner:  
Attorney Docket: XY-Hypodermic-USNP  
Customer No. 33549

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**LETTER OF TRANSMITTAL**

To: Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office dated August 31, 2005, enclosed with this correspondence are the following documents:

1. a Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office along with Exhibit A – Declaration for Patent Application of Kenneth M. Evans and Exhibit B – A true and correct copy of the Notification of Missing Requirements;
2. this Letter of Transmittal; and
3. a Certificate of Express Mailing for each document and return postcard.

Please confirm receipt of the documents by applying your date stamp on the enclosed postcard and returning it to me.

**Please address all future correspondence to: Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, CO 80521.**

I have this 20 day of October, 2005, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as "Express Mail", postage prepaid, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated this 20 day of October, 2005.

Respectfully Submitted,  
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Ressue  
Nicole A. Ressue  
Attorney for Applicant  
PTO No. 48,665  
125 South Howes, Third Floor  
Fort Collins, Colorado 80521  
(970)224-3100

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**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

To: Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please find enclosed the following document for filing in response to the "Notice to File Missing Parts of Nonprovisional Application" that was mailed on August 31, 2005.

Exhibit A – Declaration for Patent Application of Kenneth M. Evans.

Exhibit B – a true and correct copy of the Notification of Missing Requirements.

Dated this 20 day of October, 2005.

Respectfully submitted,  
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Ressue  
Nicole A. Ressue  
ATTORNEY FOR APPLICANT  
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125 South Howes, Third Floor  
Fort Collins, CO 80521  
(970) 224-3100

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Exhibit A – Declaration for Patent Application of Kenneth M. Evans

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TC/A.U:	
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Attorney Docket:	XY-Hypodermic-USNP
Customer No.	33549

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Exhibit B – a true and correct copy of the Notification of Missing Requirements



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,793	Kenneth M Evans	XY-Hypodermic-USNP
INTERNATIONAL APPLICATION NO.		
PCT/US03/25812		
I.A. FILING DATE	PRIORITY DATE	
08/15/2003	08/15/2002	

33549  
 SANTANGELO LAW OFFICES, P.C.  
 125 SOUTH HOWES, THIRD FLOOR  
 FORT COLLINS, CO 80521

**CONFIRMATION NO. 8305**  
**371 FORMALITIES LETTER**  
**\*OC000000016886803\***  
 \*OC000000016886803\*

Date Mailed: 08/31/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/15/2005
- Copy of the International Search Report filed on 02/15/2005
- Copy of IPE Report filed on 02/15/2005
- Preliminary Amendments filed on 02/15/2005
- Information Disclosure Statements filed on 02/15/2005
- Request for Immediate Examination filed on 02/15/2005
- U.S. Basic National Fees filed on 02/15/2005
- Priority Documents filed on 02/15/2005
- Power of Attorney filed on 02/15/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,793	PCT/US03/25812	XY-Hypodermic-USNP

FORM PCT/DO/EO/905 (371 Formalities Notice)

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Examiner:  
Attorney Docket: XY-Hypodermic-USNP  
Customer No. 33549

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**CERTIFICATE OF EXPRESS MAILING**

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office, along with Exhibits A and B; Letter of Transmittal; and return postcard with the United States Postal Service as "Express Mail" for mailing to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated this 20<sup>th</sup> day of October, 2005.

  
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Cheryl A. Swanson